

Remarks

Amendments to the Claims

Applicants have amended Claims 1, 12 and 13 to specify that the dashed line joining A and C(R^a) is present and represents a bond and A is a -C(R^b)- group. Support for this amendment can be found in original claim 2.

Claims 1, 12, and 13 has been amended to specify that R^a and R^b are both hydrogen. Support for this amendment can be found in original claim 3.

Applicants have amended Claims 1, 12, and 13 to delete the now-redundant definitions of R^c and R^d.

Applicants have amended Claims 1, 12, and 13 to specify that X is a -CH= group. Support for this amendment can be found in original claim 4.

Applicants have amended Claims 1, 12, and 13 to specify that Y is a -C(R^e)= group, in which R^e is hydrogen, -CN, -COR¹, -CO₂R¹, -CONR^{1a}R^{2a}, -S(O)₂NR^{1a}R^{2a}, -CONR^{1a}OR^{2a} or -C(O)N(R^{3a})NR^{1a}R^{2a}. Support for this amendment can be found in original claim 5.

Applicants have amended Claims 1, 12, and 13 to specify that R¹ represents methyl, ethyl or trifluoromethyl. Support for this amendment can be found on page 17 of the Specification at line 31.

Applicants have amended Claims 1, 12, and 13 to specify that R^{1a} represents hydrogen or methyl and R^{2a} represents hydrogen or methyl, or R^{1a} and R^{2a} together represent -(CH₂)₄- or -CH(CH₂OH)(CH₂)₃-. Support for this amendment can be found in the Specification on page 17, line 33 to page 18, line 3.

Applicants have amended Claims 1, 12, and 13 to specify that R^{3a} is a hydrogen atom or a C₁₋₆ alkyl group. Support for this amendment can be found in original Claims 1, 12, and 13 and in the Specification on page 7, line 13.

Applicants have amended Claims 1, 12, and 13 to delete the now-redundant definition of Alk² and X^a, Alk¹, R^{1f} and R^{1g}, and Cy².

Applicants have amended Claims 1, 12, and 13 to specify that L is a -CH₂-, -CH(CH₃)-, -C(O)- or -CH₂CH₂- group. Support for this amendment can be found in the Specification on page 22, lines 6-9.

Applicants have amended Claims 1, 12, and 13 to specify that n is zero. Support for this amendment can be found in the Specification on page 18, line 31.

Applicants have amended Claims 1, 12, and 13 to specify that L¹ is a covalent bond. Support for this amendment can be found in the Specification on page 19, lines 1-2.

Applicants have amended Claims 1, 12, and 13 to specify that Cy¹ represents phenyl, methylphenyl, methoxyphenyl, thienyl or indolyl. Support for this amendment can be found in original claim 6.

Applicants have amended Claims 1, 12, and 13 to specify that Ar represents phenyl, pyridinyl, thienyl or benzothienyl, any of which groups may be optionally substituted by one or two substituents selected from halogen, cyano, C₁₋₆ alkyl, C₁₋₆ alkoxy and nitro. Support for this amendment can be found in the Specification on page 21, lines 29-33.

Applicants have amended Claims 1, 12 and 13 to delete “solvates and hydrates.”

No new matter has been added by these amendments.

Claim Rejections – 35 USC §112

The Applicants have amended Claims 1, 12, and 13, as outlined above. The Applicants respectfully submit that this rejection has thereby been rendered moot.

Claim Rejections – 35 USC §103

The Applicants note that neither US 7,176,215 nor US 2006/0025428 are prior art to the instant application. This application is a national stage filing of PCT/GB03/04214, filed on September 30, 2003.

U.S. patent No 7,176,215 issued on February 12, 2007 from an application filed on July 20, 2004, which was a national stage filing of PCT/GB02/04680 filed on October 16, 2002. US 7,176,215 is not §102(a) prior art because its issue date (i.e., the date of patent becoming a printed publication) is long after the priority date of the instant application (October 1, 2002). To the extent U.S. patent 7,176,215 may be prior art under §102(e), the current application and U.S. patent 7,176,215 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity.

Therefore, U.S. patent No 7,176,215 cannot be used as prior art against the current application pursuant to §103(c).

U.S. 2006/0025428 was filed on July 28, 2005, published on February 2, 2006, and was a national stage filing of PCT/GB03/03501, filed on August 11, 2003. U.S. 2006/0025428 is not 102(a) prior art because its publication date is long after the priority date of the instant application (October 1, 2002). To the extent that U.S. 2006/0025428 may be prior art under §102(e), the current application and U.S. 2006/0025428 were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity. Therefore, U.S. 2006/0025428 cannot be used as prior art against the current application pursuant to §103(c).

Applicants contend that the obviousness rejections based on these references are improper and request that they be withdrawn.

Claim Rejections – 35 USC §103 – Provisional Double Patenting

Applicants acknowledge the obviousness-type double patenting rejections and, once the pending claims are otherwise found allowable, will file a terminal disclaimer if (a) further amendments to the claims are not made; or (b) further amendments to the claims are made and the obviousness-type double patenting rejection has not been obviated as a result.

Conclusion

The Applicants submit that the application is now in condition for allowance. The Applicants invite the Examiner to contact the Applicants' undersigned representative at (312) 913-3319 if the Examiner believes that this would expedite prosecution of this application.

Respectfully submitted,

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